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4 *Application *pro hac vice* pending

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FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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C
9 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C11-05719

10 YVETTE FELARCA, JOSHUA ANDERSON,

CHRISTOPHER ANDERSON, JAMES

11 CHANG, HILLARY CHESLER, HONEST

CHUNG, MORGAN CRAWFORD, YANIA

12 ESCOBAR, JOSEPH FINTON, HAYDEN

HARRISON, LOUIS HELM, JACQUELYN

13 KINGKADE, MARIA LEWIS, BENJAMIN

LYNCH, ARIELLA MEGORY, LIANA

14 MULHOLLAND, ASHLEY PINKERTON,

JESSICA SCHAFER, COLLEEN MICA

15 STUMPF, JUSTIN TOMBOLESI, ERICK

URIBE, DAN WILBUR, COLLEEN YOUNG,

16 MARGARET ZHOU

CASE NO.:

COMPLAINT FOR
VIOLATION OF CIVIL
RIGHTS AND DAMAGES

JURY TRIAL DEMANDED

17 Plaintiffs,

18 vs.

19 ROBERT J. BIRGENEAU, Chancellor of the

University of California-Berkeley, in his

20 individual capacity; GEORGE BRESLAUER,

Executive Vice Chancellor and Provost of the

21 University of California-Berkeley, in his

individual capacity; HARRY LEGRANDE, Vice

22 Chancellor for Student Affairs of the University

of California-Berkeley, in his individual capacity;

23 LINDA WILLIAMS, Associate Chancellor of the

University of California-Berkeley, in her

24 individual capacity; JOHN WILTON, Vice

Chancellor for Administration and Finance for the

ADR

1 University of California-Berkeley, in his
 2 individual capacity; CLAIRE HOLMES,
 3 Associate Vice Chancellor for Public Affairs and
 4 Communications for the University of California-
 5 Berkeley, in her individual capacity; MITCHELL
 6 CELAYA, Chief of the University of California
 7 Police Department at Berkeley, in his individual
 8 capacity; GREGORY AHERN, Chief of the
 9 Alameda County Sheriff's Office, in his
 10 individual capacity; HOWARD A. JORDAN,
 11 Chief of the Oakland Police Department, in his
 12 individual capacity; OFFICER CHAVEZ, a
 13 police officer for the Alameda County Sheriff's
 14 Office, in his individual capacity; OFFICER
 15 GARCIA, a police officer, in his individual
 16 capacity; OFFICER KING, a police officer, in his
 17 individual capacity; OFFICER LACHLER, a
 18 police officer for the University of California
 19 Police Department, in her individual capacity;
 20 OFFICER OBICHERE, a police officer for the
 21 Alameda County Sheriff's Office, in his
 22 individual capacity; OFFICER ROMA, a police
 23 officer, in his individual capacity; and DOES 1-
 24 100, inclusive,
 Defendants.

Pursuant to the Federal Rules of Civil Procedure, the plaintiffs, by and through
 their attorneys, Scheff, Washington and Driver, P.C., state as follows:

INTRODUCTION

1. At the University of California at Berkeley (UC Berkeley) on November 9, 2011,
 a mass mobilization of thousands of students and community members marched,
 rallied and peacefully set up protest tents in defense of the integrity of the
 University as a public institution, against fee hikes and the privatization of public
 education, and for increasing black, Latina/o, and Native American student
 enrollment. Entire university departments cancelled classes, and dozens of

1 professors and graduate student instructors held teach-outs in solidarity with the
2 students.

- 3 2. The defendants—Chancellor Birgeneau and other administrators of UC
4 Berkeley, conducted a planned, coordinated, and violent attack against these
5 peaceful protesters because they opposed the protestors’ defense of affordable,
6 public education and their association with the popular “Occupy Wall Street”
7 movement.
 - 8 3. The defendant police officers of the University of California Police Department
9 (UCPD), Alameda County Sheriff’s Office (ACSO), and the Oakland Police
10 Department (OPD) used shocking, unconscionable violence: peaceful protesters
11 were forcefully jabbed in their chests, stomachs, and groins, clubbed in the face,
12 yanked by their hair, and beaten while lying on the ground. Even after the police
13 destroyed students’ tents, they continued to viciously beat people.
 - 14 4. This shocking police violence was witnessed by many people and captured in
15 numerous videos. After the police’s afternoon violence, the video footage was
16 posted on UTube and instantly went viral. Thousands of people who saw the
17 videos were outraged by the police’s brutality and inspired by the protesters’
18 courage. Thousands of people were moved in the space of hours to mobilize to
19 Sproul Plaza to join the students and add themselves to the peaceful protest in an
20 expression of solidarity with the aims and means of the movement, to support
21 free speech and public education.
 - 22 5. The plaintiffs in this suit—twelve men and twelve women—were physically and
23 emotionally injured as a result of the defendants’ police attack.
- 24

- 1 6. The plaintiffs assert that the defendants violated their First Amendment rights by
2 authorizing and carrying out this attack because the defendants objected to the
3 content of the protesters' demands, including, in particular, ending the fee hikes
4 and preserving the University of California as a public university open to all, and
5 ending the policies that defendant Birgeneau has advocated, defended and
6 implemented, policies that are leading to UC Berkeley becoming even more
7 segregated, elite and beholden to private donors, policies that are accompanied
8 by increasing denial of democratic rights.
- 9 7. The plaintiffs further assert that the defendants violated their Fourth Amendment
10 rights by using clearly excessive force in attacking a peaceful protest.
- 11 8. The plaintiffs bring this suit to achieve justice for themselves and to protect the
12 right of all students everywhere to exercise their rights to free speech and
13 assembly, free of police brutality and violence.
- 14 9. The plaintiffs further bring this action to assure that UC Berkeley remains a
15 public university that is open to all, including all Californians, serves the public's
16 needs, a center for critical inquiry and academic freedom, and is not degraded to
17 an inferior, segregated backwater of compromised research and academics,
18 subservient to private interests.

19
20 **JURISDICTION AND VENUE**

- 21 10. This is a claim made under the First, Fourth, and Fourteenth Amendments to the
22 U.S. Constitution and under 42 USC §1983. This Court has subject matter
23 jurisdiction under 28 USC §1331 and 28 USC §1343(3).
24

- 1 11. The United States District Court for the Northern District of California is a
2 proper venue for this action because a substantial part of the events giving rise to
3 this action occurred in that district.

4
5 **INTRADISTRICT ASSIGNMENT**

- 6 12. A substantial part of the events which give rise to this claim occurred in Alameda
7 County, making assignment to the Oakland Division appropriate under Civil
8 L.R. 3-2(d).

9
10 **PARTIES**

- 11 13. The plaintiff Yvette Felarca is a national organizer with the Coalition to Defend
12 Affirmative Action, Integration, and Immigrant Rights and Fight for Equality By
13 Any Means Necessary (BAMN). She graduated from the UC-Berkeley School of
14 Education and is now a teacher at Martin Luther King Middle School in Berkeley.
- 15 14. The plaintiff Joshua Anderson is a first-year graduate student in UC-Berkeley's
16 English Department.
- 17 15. The plaintiff Christopher Anderson is a UC-Berkeley senior majoring in Peace and
18 Conflict Studies, with a concentration in Human Rights.
- 19 16. The plaintiff James Chang is a UC-Berkeley junior majoring in Chinese.
- 20 17. The plaintiff Hillary Chesler is a UC-Berkeley senior majoring in Sociology.
- 21 18. The plaintiff Honest Chung is a UC-Berkeley senior majoring in History.
- 22 19. The plaintiff Morgan Crawford is a UC-Berkeley senior majoring in Rhetoric.
- 23 20. The plaintiff Yania Escobar is a UC Berkeley senior and an Interdisciplinary
24 Studies Field Major.

- 1 21. The plaintiff Joseph Finton is a UC-Berkeley junior majoring in Film.
- 2 22. The plaintiff Hayden Harrison is a fourth-year student at Berkeley City College.
- 3 23. The plaintiff Louis Helm is a graduate of the University of Michigan and a resident
- 4 of Berkeley, California.
- 5 24. The plaintiff Jacquelyn Kingkade is a UC-Berkeley junior majoring in Philosophy.
- 6 25. The plaintiff Maria Lewis is a UC-Berkeley junior and an Interdisciplinary Studies
- 7 Field Major.
- 8 26. The plaintiff Benjamin Lynch is an organizer with BAMN and an assistant research
- 9 physicist at UC Berkeley.
- 10 27. The plaintiff Ariella Megory is a UC Berkeley senior majoring in Cultural
- 11 Anthropology.
- 12 28. The plaintiff Liana Mulholland is an organizer with BAMN and a graduate of the
- 13 University of Michigan.
- 14 29. The plaintiff Ashley Pinkerton is a UC-Berkeley senior majoring in Peace and
- 15 Conflict Studies.
- 16 30. The plaintiff Jessica Schaffer is a second-year masters student at the UC-Berkeley
- 17 School of Public Health.
- 18 31. The plaintiff Colleen Mica Stumpf is a UC-Berkeley senior majoring in Peace and
- 19 Conflict Studies.
- 20 32. The plaintiff Justin Tombolesi is a UC-Berkeley junior majoring in history.
- 21 33. The plaintiff Erick Uribe graduated in 2011 from UC Berkeley with a degree in
- 22 Environmental Science, Policy, and Management.
- 23 34. The plaintiff Dan Wilbur is a UC-Berkeley senior majoring in Geography.
- 24

1 35. The plaintiff Colleen Young is a fifth-year student at UC Berkeley majoring in
2 Anthropology with a minor in Native American Studies.

3 36. The plaintiff Margaret Zhou is a UC-Berkeley junior majoring in Comparative
4 Literature.

5 37. The defendant Robert J. Birgeneau was the chancellor of the University of
6 California-Berkeley (UC Berkeley) at all times relevant to this case and is joined in
7 his individual capacity.

8 38. The defendant George Breslauer was the executive vice chancellor and provost
9 of UC Berkeley at all times relevant to this case and is joined in his individual
10 capacity.

11 39. The defendant Harry LeGrande was the vice chancellor of student affairs of UC
12 Berkeley at all times relevant to this case and is joined in his individual capacity.

13 40. The defendant Linda Williams was the associate chancellor of UC Berkeley and
14 part of the "Crisis Management Team" (CMT) assigned responsibility to oversee
15 campus response to protests at all times relevant to this case, and is joined in her
16 individual capacity.

17 41. The defendant John Wilton was the vice chancellor of administration and finance of
18 UC Berkeley and part of the CMT at all times relevant to this case, and is joined in
19 his individual capacity.

20 42. The defendant Claire Holmes was the associate vice chancellor for public affairs
21 and communications of UC Berkeley and part of the CMT at all times relevant to
22 this case, and is joined in her individual capacity.
23
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1 43. The defendant Mitchell Celaya was the chief of the University of California Police
2 Department (UCPD) at Berkeley at all times relevant to this case and is joined in
3 his individual capacity.

4 44. The defendant Gregory Ahern was the Alameda County Sheriff and chief executive
5 officer of the Alameda County Sheriff's Office (ACSO) at all times relevant to this
6 case, and is joined in his individual capacity.

7 45. The defendant Howard A. Jordan was the chief of the Oakland Police Department
8 (OPD) at all times relevant to this case and is joined in his individual capacity.

9 46. The defendant Officer Chavez is a police officer with the ACSO and is joined in
10 his individual capacity.

11 47. The defendant Officer Garcia is a police officer and is joined in his individual
12 capacity.

13 48. The defendant Officer King is a police officer and is joined in his individual
14 capacity.

15 49. The defendant Officer Lachler is a police officer with the UCPD and is joined in
16 her individual capacity.

17 50. The defendant Officer Obichere is a police officer with the ACSO and is joined
18 in his individual capacity.

19 51. The defendant Officer Roma is a police officer and is joined in his individual
20 capacity.

21 52. The plaintiffs do not know the true names and capacities of Defendants DOES 1
22 through 100, inclusive, and therefore sue these defendants by such fictitious
23 names. Plaintiffs are informed and believe and thereon allege that each defendant
24 so named is responsible in some manner for the injuries and damages sustained

1 by plaintiffs as set forth herein. Plaintiffs will amend their complaint to state the
2 names and capacities of DOES 1-100, inclusive, when they have been
3 ascertained.

4 53. DOES 1 through 100, inclusive, the identity and number of whom are presently
5 unknown to the plaintiffs, were police officers employed by defendant UC-
6 Berkeley, UCPD, ACSO, and/or OPD acting within the course and scope of their
7 employment, and were directly involved in the actions causing injury to plaintiffs
8 at all times relevant to this case.

9 54. At the time of the incidents causing injury to plaintiffs November 9-10, 2011, the
10 defendants were acting under color of state law.

11
12 **STATEMENT OF FACTS**

13 55. On the afternoon of November 9, 2011, thousands of UC-Berkeley students and
14 community members engaged in a peaceful rally and march. The demonstration
15 was in solidarity with the national "Occupy" movement demanding economic
16 justice. The protesters called for an end to fee/tuition increases, cuts, and
17 privatization at UC Berkeley and for taxing the banks, corporations, and
18 billionaires to finance public higher education. The mood of the demonstration
19 was positive and festive.

20 56. Many of the protesters were also critical of defendant Robert J. Birgeneau's
21 advocacy, defense, and implementation of measures that make UC Berkeley
22 resemble more and more a private university—relying on private funding for
23 academic departments, relying on student tuition, and making the university
24

1 more responsive to private interests than to public interests—and his violent
2 repression of student free speech defending public education in the past.

3 57. Many protesters thought they would be able peacefully to set up protest tents
4 after the march. In May 2010, students had a peaceful encampment that included
5 sleeping bags and tarps in front of UC-Berkeley Chancellor Birgeneau's office at
6 California Hall. Similarly, previous UC-Berkeley Chancellor I. Michael Heyman
7 had allowed a protest tent city on UC Berkeley's Sproul Plaza to protest South
8 African apartheid.

9 58. Other cities and universities, including the neighboring City of Oakland at the
10 time of the November 9 protest, were permitting the "Occupy" movement to set
11 up encampments.

12 59. On November 9, organizers planned to set up protest tents on the grassy lawn in
13 front of Sproul Hall. Students and staff exit Sproul Hall via the stairs in front of
14 Sproul Hall and do not use this grassy lawn. This area did not block foot traffic
15 and it is not used for staging events. The protest tents would not have interfered
16 with academic or university activities in any way.

17 60. On November 9, after a rally and march, approximately four hundred students
18 convened a "General Assembly" on Sproul Plaza and discussed a declaration to
19 send out to the broader movement about the goals of their encampment. They
20 voted overwhelmingly to establish an encampment.

21 61. Several students brought protest tents and supplies and tried to erect protest tents
22 on the southeast corner of the northern grassy lawn in front of Sproul Hall.
23
24

62. A handful of police officers tried to seize the protest tents from the students. Protesters gathered and chanted to protest the police action. The officers left the scene.

63. Protesters continued to erect protest tents, and the mood was calm and peaceful. About four protest tents were erected on the lawn.

Afternoon raid

64. More police officers arrived and formed a line to the north. Protesters gathered around the protest tents, some of them linking arms. One group gathered farther north and facing north, while another group gathered closer to and surrounding the protest tents.

65. Dozens of police, which included officers from the University of California Police Department (UCPD) and the Alameda County Sheriff's Office (ACSO) approached the protesters from the north and from the south. The police were wearing riot gear, including helmets.

66. At about 3:30pm, the police forcefully attacked students, pushing with the broad side of their batons, jabbing students with the ends of their batons in their stomachs, chests, ribs, legs, backs, and groins, using overhand strikes and headlocks, and yanking people out by their hair and arresting them.

67. During the afternoon raid, the police arrested about seven protesters.

68. At no point during the afternoon or evening raids did protesters attack police. Students chanted "Peaceful protest," "Stop beating students," and "Shame."

69. The police secured access to the protest tents from both sides. However, the police violence against protesters did not cease. Police continued to conduct coordinated assaults, jabbing and beating people with their batons.

1 70. At about 3:55pm, the police retreated.

2 71. Afterward, protesters set up more protest tents in the same area on the grassy
3 lawn, and convened another General Assembly to discuss what to do next.

4 72. At or around 6:15pm, Vice Chancellor of Student Affairs Harry LeGrande and
5 came to the General Assembly and read a statement, declaring that the
6 administration would allow protesters to stay on Sproul Plaza, but they could not
7 have protest tents or sleeping bags and could not cook food or sleep.

8 73. The General Assembly discussed the proposal. At or around 7:00pm, nearly four
9 hundred students voted overwhelmingly to keep the encampment.

10 Evening raid

11 74. By about 9:00pm, hundreds of protesters once again gathered around the protest
12 tents after observing that police were amassing inside Sproul Hall.

13 75. A large force of police approached from the north in riot gear, along with another
14 large force in riot gear stepping out of Sproul Hall's front doors and approaching
15 the protest tents from the south.

16 76. These police included officers from the UCPD, ACSO, and the Oakland Police
17 Department (OPD).

18 77. The police forced their way to the protest tents with even more brutality than in
19 the afternoon, pushing and jabbing people with their batons and using overhand
20 strikes, sometimes aiming and hitting people's heads. Numerous protesters fell
21 under the crush of the assault and blows.

22 78. The police action created mass panic among protesters, who tripped over each
23 other in their rush to avoid the police beating.
24

1 79. Police beat and kicked people who were lying on the ground and yanked them
2 behind the police line for arrest.

3 80. The police secured access to the protest tents, destroyed them, and formed a
4 perimeter surrounding the grassy lawn where the protest tents used to stand.

5 81. Protesters gathered in front of the police, chanting.

6 82. The police attacked this peaceful group, beating people.

7 83. During the evening raid, the police arrested about thirty-one protesters.

8 84. Over the course of the violence, students hurried to Sproul Plaza from across
9 campus to defend the protesters. Over two thousand people amassed in Sproul
10 Plaza, and the police ceased their attack.

11 85. The protesters amassed in Sproul Plaza voted overwhelmingly to hold a
12 universitywide strike November 15, 2011 to defend public education and protest
13 the university's police brutality against peaceful protesters.

14 86. The next day on November 10, 2011, defendants Chancellor Birgeneau,
15 Executive Vice Chancellor and Provost George Breslauer, and Vice Chancellor
16 of Student Affairs Harry LeGrande sent out an email to the campus community
17 defending the violent police actions of November 9.

18 87. In the face of continuing protests and calls for his resignation, on November 22,
19 2011, defendant Chancellor Birgeneau publicly admitted his role in causing
20 injury to protesters: "I sincerely apologize for the events of November 9th at UC
21 Berkeley and extend my sympathies to any of you who suffered an injury during
22 these protests. As Chancellor, I take full responsibility for these events and will
23 do my very best to ensure that this does not happen again."
24

1 88. The accounts of individual plaintiffs who suffered such injuries are detailed
2 below.

3 Yvette Felarca

4 89. Yvette Felarca is a prominent activist, a national organizer with the Coalition to
5 Defend Affirmative Action, Integration, and Immigrant Rights and Fight for
6 Equality By Any Means Necessary (BAMN), a graduate of UC Berkeley's
7 School of Education, and a teacher in Berkeley's Martin Luther King Middle
8 School.

9 90. During the afternoon raid, Ms. Felarca was linking arms with other protesters
10 facing north. She was not initially in the front; however, when people in front of
11 her were attacked and retreated into the crowd, she found herself in front of the
12 crowd.

13 91. Ms. Felarca pleaded to the officer in front of her, defendant Officer Chavez of
14 the Alameda County Sheriff's Office. Ms. Felarca said, "This is our university.
15 You don't want to do this, you know you don't. This is stupid."

16 92. Chavez replied, "Then get out of the way if you don't want to be beaten."

17 93. Some time later, suddenly and out of nowhere, an officer forcefully jabbed Ms.
18 Felarca in the stomach with the end of his baton. The rest of the line of police
19 joined in, jabbing and beating protesters.

20 94. Ms. Felarca was hit in the collar bone and throat. Her throat hurt very badly.
21 After the jab to her stomach, she turned sideways to protect her stomach. The
22 police continued to jab her in the midsection.

23 95. Chavez and a second unidentified officer focused their batons on Ms. Felarca.

24 96. Around Ms. Felarca, people were screaming in terror and pain.

1 97. Ms. Felarca was hit in the right side area of her abdomen. When she went to the
2 hospital later, she was told her liver was beneath that injured area. She was also
3 hit a few inches above that, in her lower right rib area. Her left front rib area, left
4 side ribs, and left back ribs were hit multiple times.

5 98. Her left hand and fingers were hit, and her right hand was hit when the cop was
6 striking the person to her right with whom she was linking arms.

7 99. Ms. Felarca, upset and crying, backed away from the front. She was in so much
8 pain that she felt like she was going to vomit.

9 100. She spent a long time in the back of the protest shaking and trying not to throw
10 up.

11 101. She suffered multiple contusions on her ribs and midsection. When she coughed,
12 it hurt so much that she almost passed out, which also made her panic because
13 she was afraid that if she did not cough she could not breathe.

14 102. For days, she felt extreme pain lying down. She could not sleep through the night
15 for the first two nights because of the pain, and was only able to sleep afterward
16 because of medication she got from the hospital. To this day, she feels pain
17 sitting and standing in certain positions.

18 103. To this day, she still cannot lie down on either one of her sides because of the
19 pain. She feels extremely exhausted hours before her usual time to go to sleep.
20 She can only cough partially, particularly because of the sharp and excruciating
21 pain. She cannot finish a sneeze because of the sharp pain, especially in her left
22 back ribs.

23 104. She has been crying almost daily since November 9. When she was examined by
24 the doctor, she began to shake and sob uncontrollably.

Joshua Anderson

105. During the afternoon raid, Joshua Anderson was part of the crowd facing the police to the north.

106. When the police attacked, they beat Mr. Anderson in the chest, jabbed him in the stomach and smacked his arms with their batons.

107. There was a very small young woman next to him who was being savagely beaten and crying from pain. When Mr. Anderson covered her with his arm and body to shield her, his arm and hand were beaten even more viciously.

108. There was a pause in the beating for about one minute. Mr. Anderson linked arms with fellow protestors.

109. During the next police attack, Mr. Anderson tripped and fell toward Sproul Hall. At this point, he was beaten with batons. He was right on the hedge lining the building. He heard a police officer behind him say "Alright, motherfucker," and this officer put his arm around Mr. Anderson's neck, obstructing his breathing, and used his other arm to hold him around the waist.

110. Then, a short Asian or Latino officer came at Mr. Anderson with a baton while he was in a chokehold and started beating him. During this time, Mr. Anderson could barely breathe. The officer hitting him tried to hit him in the genitals, but he missed and hit about two inches away; he hit him at the very top of his inner left thigh.

111. Mr. Anderson was then let go by the officer. Mr. Anderson rejoined the group of protestors.

112. Later, three officers singled him out and started to beat him all together. At the same time, Anderson was being pulled towards the hedge. He fell into the bush

1 and they continued to beat him while he was down. In one-second intervals three
2 police officers hit him, one after another in a continuous rhythm of violent jabs.
3 This lasted about twenty seconds. He fell back in the bush and was on the
4 ground, when an officer hit him on the leg.

5 113. Mr. Anderson limped away from the scene of the mass assault, because after he
6 fell earlier during the police attack, an officer had hit Anderson hard on his leg
7 right on his knee. It left a dark black spot on his leg, which had now turned
8 yellow. He was hit so hard on the leg, that this knee was bent into the shape of the
9 baton. During the second attack, he was hit on the back of the head numerous
10 times.

11 114. Anderson has contusions on most of his ribs. His stomach and back continue to
12 hurt badly. He was hit very hard in the face, causing the side of his eye and
13 cheek to swell up. It swelled up so big, that he could see the side of his face out
14 of the corner of his eye.

15 115. Mr. Anderson's hand was swollen that day, and to this day still hurts. He cannot
16 touch anything with his left hand without feeling pain.

17 Christopher Anderson

18 116. During the afternoon raid, Christopher Anderson was linking arms as part of the
19 group of protesters facing north, in the front.

20 117. A line of riot police wearing helmets approached him and began beating him and
21 other protesters around him.

22 118. An unidentified officer repeatedly jabbed Mr. Anderson in the left arm and rib
23 with the point of his baton. As the line of officers shifted, a second officer and
24 later a third officer jabbed Mr. Anderson repeatedly.

1 119. During a lull in the violence, Mr. Anderson's left leg was positioned a few inches
2 farther forward than his right. The third officer demanded that Mr. Anderson
3 move his leg and said that if he didn't, "I'll fuck you up."

4 120. This third officer swung his baton using both hands and hit Mr. Anderson
5 repeatedly on the shin. A woman adjacent to Mr. Anderson tried to use her leg to
6 protect him; the officer pushed her leg away and continued to strike Mr.
7 Anderson's shin over and over.

8 121. Some time later, the line of police attacked the protesters again, this third officer
9 now hitting Mr. Anderson with tremendous force. By this point, Mr. Anderson
10 had been struck about fifteen times.

11 122. After the afternoon raid, Mr. Anderson felt great pain in his shin, and there were
12 a couple of raised bumps and a couple of cuts on his shin. He felt severe pain in
13 his left arm and left ribs.

14 123. During the evening raid, Mr. Anderson joined the group of protesters facing
15 north, about five feet west from the hedge lining Sproul Hall.

16 124. As the line of police walked parallel to the hedge and forced its way through the
17 crowd, various officers jabbed Mr. Anderson with their batons.

18 125. A fourth officer, defendant Officer Obichere of the Alameda County Sheriff's
19 Office, who appeared to weigh over 250 pounds, focused on Mr. Anderson and
20 hit him with tremendous force about five times with increasing intensity. In
21 addition to jabs, this officer used overhand swings and struck Mr. Anderson's leg
22 as well.
23
24

1 126. One unidentified officer used both hands and struck Mr. Anderson with the
2 broad side of his baton twice directly in the face, in his upper gum and nose area.
3 Mr. Anderson felt blood running out of his nose.

4 127. Mr. Anderson also saw protesters falling down in front of him and on top of each
5 other—the police continued to beat these people and pulled them out for arrest.

6 128. Feeling dazed because of the blow to his face, Mr. Anderson stumbled westward,
7 along the gap between protesters and officers, to escape.

8 129. Some time later, Mr. Anderson rejoined the group of protesters facing north,
9 farther to the west from where he had stood previously. He stood near Officer
10 Obichere, who began hitting another protester. A fifth officer, adjacent to
11 Obichere, jabbed Mr. Anderson repeatedly with his baton about seven times.

12 130. Mr. Anderson, overwhelmed and in pain from the accumulated blows, left the
13 front of the crowd.

14 131. Mr. Anderson has bruises all over his upper body.

15 James Chang

16 132. During the evening raid, James Chang was originally not in the front of the
17 group of protesters.

18 133. He saw police beating people all around him, especially women, and including a
19 photographer.

20 134. When Mr. Chang tried to assist a student who was trying to retrieve a piece of
21 her property, an unidentified officer forcefully hit his leg a couple of times.

22 135. The officer then jabbed Mr. Chang in the stomach with the end of a baton. It was
23 a very painful, and Mr. Chang felt like the wind was knocked out of him.
24

Honest Chung

136. During the evening raid, Honest Chung was linking arms with other protesters, in the front row. He was standing near the tree at the southern end of the grassy lawn.

137. When the line of police approached, one unidentified officer singled out Mr. Chung and jabbed away at him with the end of a baton. This officer hit him three to five times, paused a few seconds, then jabbed him seven to eight more times.

138. Mr. Chung was being hit so hard, that a soda can in his backpack burst.

139. After being hit so many times, Mr. Chung stopped linking arms with his neighbors. He found that he could hardly breathe and was in extreme pain.

140. Still receiving blows, Mr. Chung tried to lean back. He collapsed from the force of the blows. People behind him dragged him back into safety. A large man picked him up and carried him to the middle of Sproul Plaza.

141. Several people surrounded Mr. Chung and asked where he was hurt. He felt most of the pain in his forearm and left rib, and it hurt to breathe. When one person asked if Mr. Chung needed medical attention, Mr. Chung could not give a coherent answer.

142. He was able to walk, but he had to keep his left arm as immobile as possible and use his right arm to hold his rib.

143. Another person drove Mr. Chung to the hospital.

Hillary Chesler

144. During the afternoon raid, Hillary Chesler linked arms with protesters who were closer to and surrounding the protest tents.

1 145. The police attacked Ms. Chesler and those around her, shoving people and
2 jabbing them with the ends of their batons.

3 146. Ms. Chesler was hit very hard and continuously for a few minutes. It was very
4 painful. She was hit in the chest area and in her neck. She was also shoved into a
5 bush and received a huge scrape on her hand.

6 147. Several people away from her, the officers were pulling people out, including
7 pulling women out by their hair. They continued to pick people off, and when
8 they reached Ms. Chesler, they threatened her with arrest if she did not leave.
9 She left.

10 148. She met up with a friend nearby and was crying and shaken up from the ordeal.
11 Her hand was bleeding.

12 149. During the evening raid, Ms. Chesler was on the stairs of Sproul Hall. The police
13 shouted at her and others to move back, even though there was nowhere to go
14 because of the crowd of people behind her.

15 150. The police forcefully pushed Ms. Chesler and others down the stairs with their
16 batons.

17 151. Ms. Chesler's whole body was sore, especially her chest and neck area where she
18 was repeatedly jabbed.

19 Morgan Crawford

20 152. During the afternoon raid, Morgan Crawford was linking arms as part of the
21 group of protesters facing north, in the front.

22 153. The police advanced and continuously tried to force students back. The officers
23 pushed with the broad side of their batons and jabbed with the end of their
24 batons, focusing on arms, ribs, abdomens, stomachs, and groins.

1 154. An officer yelled "Move!" Protesters responded that they could not move back.
2 Defendant Officer Obichere of the Alameda County Sheriff's Office, who
3 appeared to weigh over 250 pounds, attacked Mr. Crawford.

4 155. Some of the officers appeared to enjoy what they were doing.

5 156. The attack went on for several minutes. People were screaming that they were
6 hurt.

7 157. Mr. Crawford felt terrified and angry that he and others would be attacked by
8 people who should be protecting him.

9 158. Mr. Crawford left the scene and returned during the evening. The mood was
10 positive, and there was music.

11 159. Protesters started yelling that the police were coming. Mr. Crawford linked arms
12 with the group of protesters facing north and was standing in the front. Officers
13 in ACSO uniforms marched toward them in formation wearing riot gear,
14 thrusting their batons forward in rhythm, chanting "Move! Move!"

15 160. Mr. Crawford felt terrified and would have been unable to move back even if he
16 tried because there were so many people behind him.

17 161. The police began jabbing Mr. Crawford and those around him. He was getting
18 hit even harder than during the afternoon. He and other protesters were telling
19 the police they could not move back, but the police continued to jab and push
20 them.

21 162. There appeared to be a second wave of officers that arrived who were a lot more
22 ruthless in attacking Mr. Crawford and those around him. They were beating
23 people on any part of their bodies they could. Mr. Crawford had the wind
24 knocked out of him.

1 163. He heard screams in front of him and saw a barrage of batons in front of him,
2 with camera lights flashing. Mr. Crawford felt like he was in a war zone.

3 164. An unidentified officer assaulted Mr. Crawford, whacking the side of his leg.
4 This was cripplingly painful. Mr. Crawford doubled over.

5 165. Mr. Crawford turned around and retreated into the crowd. As he was leaving, he
6 could feel the police continuing to hit him in the back with batons.

7 166. It was only after leaving the crowd, inside of which he was supported by those
8 around him, that Mr. Crawford realized he could hardly stand. A couple of
9 friends had to carry him home on their shoulders.

10 167. The side of his leg was very swollen. Red welts in the shape of batons were on
11 the side of his legs. He had massive contusions on his leg and could barely walk.

12 168. Going to bed that night, he could not get his mind off the protest and continued
13 to hear screaming.

14 169. He now has to walk on crutches.

15 170. He has suffered from anxiety and depression since November 9, and he had an
16 anxiety attack on November 11. He feels anxious around large groups of people.
17 If he hears a group of people scream, his mind goes back to the terror of that
18 night.

19 Yania Escobar

20 171. During the evening raid, Yania Escobar was linking arms with other protesters,
21 in the front row facing police.

22 172. An unidentified officer jabbed Ms. Escobar repeatedly in the right lower
23 abdomen.
24

1 173. Ms. Escobar saw brutality all around her. One officer swung his baton and hit the
2 back of a man's knees, knocking him down, and hit him more while he was on
3 the ground.

4 174. Police pushed Ms. Escobar and others backward, forcing Ms. Escobar to trip
5 over the protest tent that was right behind her. While she was on the ground, the
6 officer continued to jab her with a baton.

7 175. Another protester pulled Ms. Escobar out for her safety.

8 176. Ms. Escobar left, took a breath for a little while, and went back to join the
9 protest.

10 177. A line of police now stood between where protest tents used to be and Sproul
11 Hall.

12 178. Ms. Escobar saw protesters chanting "Shame, shame," "Shame on you," and
13 "Stop beating students."

14 179. The uniform of defendant Officer King said "King Jr." Ms. Escobar told this
15 officer that he needed to live up to his name to his dad and that he should be
16 ashamed.

17 180. Soon after this, the police started beating protesters again. Officer King hit Ms.
18 Escobar in her right breast and rib area.

19 181. To this day, Ms. Escobar's lower right abdomen hurts when touched.

20 Joseph Finton

21 182. During the evening, Joseph Finton was linking arms with a group of people
22 surrounding the tents.

23 183. He saw the police approaching from the north reach the tents and destroy them.
24

1 184. He ended up being in the front of the group, linking arms with other protesters,
2 facing police officers. He was standing on the concrete about ten to fifteen feet
3 away from the tree that is on the southern end of the grassy lawn, and was facing
4 Sproul Hall.

5 185. The police continued to beat people. There was no way for Mr. Finton and others
6 to step back.

7 186. Defendant Officer Garcia continuously jabbed him with the end of his baton, in
8 his legs and in his chest.

9 187. Mr. Finton saw Garcia hit other protesters as well, including in particular a
10 woman to Finton's right who was crying the whole time.

11 188. Finton told Garcia that he was going to file a complaint against him. Garcia
12 continued to jab Finton some more.

13 189. A friend to Finton's right got knocked over by the baton blows. When Finton
14 tried to help him up, Garcia continued to hit him.

15 190. Garcia jabbed Finton, completely unprovoked and for no good reason, about five
16 times.

17 191. After getting beaten repeatedly, Finton had to leave because he could not take it
18 anymore.

19 192. His chest and legs were in pain, and got worse the next day. He had bruises in his
20 chest and legs. He walked with a limp.

21 Hayden Harrison

22 193. During the afternoon raid, Hayden Harrison was linking arms as part of the
23 group of protesters facing north, in the front. He was trying to take pictures of
24 what happened.

1 194. When police made an announcement over a megaphone, Mr. Harrison could not
2 hear it, even though he was in the front.

3 195. Five to ten minutes later, the police started hitting people along the front of the
4 crowd.

5 196. First, they pushed Mr. Harrison with their batons, but soon all the police along
6 the line were jabbing people hard and aggressively in their stomachs, including
7 Mr. Harrison.

8 197. Defendant Officer Lachler was trying to hit him in the groin with the edge of her
9 baton. She did hit his groin and it hurt very badly. He had a stomach ache for
10 several hours afterward.

11 198. Mr. Harrison was hit over ten times, mostly in his stomach and front hip area, by
12 different officers.

13 199. The officers were ordering him and others to move back, but this was impossible
14 because of the crowd behind them.

15 Louis Helm

16 200. During the evening raid, Louis Helm was linking arms with other protesters, in
17 the front and facing police. He was standing near the tree at the southern end of
18 the grassy lawn.

19 201. The police pushed Mr. Helm and those around him backward. An unidentified
20 officer was jabbing Mr. Helm in the ribs.

21 202. The police were telling people to move back. Even if Mr. Helm had tried to, he
22 could not because there were so many people behind him.

23 203. Officers hit and tackled the person next to Mr. Helm and were pulling this
24 protester out. During this, they also grabbed Mr. Helm by his arm and backpack.

1 They were pulling so hard that the top straps of Mr. Helm's backpack broke and
2 they ripped off his backpack.

3 204. Two unidentified officers attacked Mr. Helm and hit him repeatedly. He was
4 struck at least four times in the ribs and stomach, and also struck on his legs.

5 205. Mr. Helm buckled a little and his body lowered. The officers continued to strike
6 him, aiming for his head.

7 206. One baton struck his right eye, just outside of the socket.

8 207. Mr. Helm lifted his left arm above his head to shield himself. The officers hit his
9 raised arm three or four times. When an officer hit his elbow, Mr. Helm lost
10 feeling in his hand.

11 208. Later, officers continued to hit Mr. Helm's ribs.

12 209. Mr. Helm has injuries across his body, and bruises on both of his legs.

13 Jacquelyn Kingkade

14 210. During the afternoon raid, Jacquelyn Kingkade was linking arms as part of the
15 group of protesters facing north.

16 211. Protesters were linking arms, and engaged in conversations, and the line of
17 police was just standing there. She does not remember the police giving any
18 warning of what they were going to do and how and that they were going to be
19 so violent.

20 212. Suddenly, the police attacked people, jabbing people with the ends of their
21 sticks. Ms. Kingkade tried to slip back, but there were too many people behind
22 her.

23 213. An unidentified officer hit Ms. Kingkade in the chest. She was terrified and
24 thought they would break her ribs, and she could not get out.

1 214. She had a bruise on her chest, and it hurt to breathe afterward. She also had
2 bruises all over her legs because the police were pushing protesters into each
3 other. She cannot walk fast at all and has to hunch over.

4 215. She feels anxious now when she is in large crowds and remembers the feeling of
5 being trapped. She gets anxious when she sees police because she no longer
6 knows whether they will hit people for no reason.

7 Maria Lewis

8 216. During the afternoon raid, Maria Lewis was linking arms with other protesters,
9 just behind the people in the front. She was on grass in front of Sproul Hall about
10 halfway between where a line of riot police was and the Sproul Hall steps.

11 217. The police charged in and started beating people, while protesters did nothing
12 but just stand there linking arms.

13 218. Ms. Lewis was behind a man who was getting hit repeatedly and deliberately on
14 his shin by one unidentified officer.

15 219. Ms. Lewis put her own leg forward to protect the man's shin. The officer hit Ms.
16 Lewis in the shin as well, which now is bruised quite badly.

17 Benjamin Lynch

18 220. During the afternoon raid, Benjamin Lynch was part of the group of protesters
19 facing to the north, two or three people back from the front.

20 221. When the police attacked, the people in front of Mr. Lynch were getting beaten
21 pretty badly. Some of them turned sideways to avoid the brunt of the baton jabs.

22 222. A person to his right in the front had to go back. Mr. Lynch was now in the front.

23 223. The police were both feinting to hit and hitting. Mr. Lynch turned sideways, his
24 right forearm extended slightly outward, to avoid the brunt of the baton blows.

1 224. An unidentified officer in front of him did an overhand swing, swinging his
2 baton downward at a diagonal, striking Mr. Lynch on his right forearm.

3 225. The baton had broken skin, and the wound bled.

4 226. Afterward, Mr. Lynch felt throbbing, intense pain. The area the officer struck
5 swelled outward about an inch above the rest of his arm. Periodically, he would
6 feel a shooting pain go down his forearm.

7 227. Minutes later, he began applying ice to ease the swelling.

8 228. His forearm was very swollen and bruised, and it was difficult to move his
9 forearm due to the pain, and it hurt to touch it. Over the next several days, the
10 swelling spread across and covered much of his forearm. It took a week for the
11 swelling to go down.

12 229. To this day, he cannot rest on his forearm, and it is still tender.

13 Ariella Megory

14 230. During the afternoon raid, Ariella Megory was linking arms in the group of
15 protesters that was adjacent to the protest tents.

16 231. All around her, she saw people getting brutalized. One woman was yanked by
17 her neck and flung aside. Another very petite woman who was willing to leave
18 was yanked by her hair.

19 232. The police advanced toward Ms. Megory. To separate her from her neighbors,
20 the police took their batons and shoved her and her neighbors in the armpits very
21 hard.

22 233. She does not remember exactly how her arms became unlinked. The police
23 shoved her aside so they could get through to the protest tents.

24 234. Ms. Megory left Sproul and returned later that evening.

1 235. During the evening raid, Ms. Megory linked arms with protesters near the protest
2 tents.

3 236. The police attacked her group from behind, pushing them very violently. The
4 officers shouted "Move! Move!" while jabbing Ms. Megory and the men on
5 either side of her with batons.

6 237. The men to each side of her had very bruised arms and bloody knuckles. Ms.
7 Megory had turned sideways and took many of the blows on her arm.

8 Liana Mulholland

9 238. During the afternoon raid, Liana Mulholland was linking arms as part of the
10 group of protesters facing north.

11 239. When the police attacked the crowd, Ms. Mulholland turned backward toward
12 the crowd.

13 240. She could not see because her back was turned, but she could feel the batons
14 hitting people in the front through their bodies.

15 241. After this attack, Ms. Mulholland ended up in the front and was linking arms.

16 242. While she and other protesters stood peacefully, the line of police suddenly
17 started ramming people with batons.

18 243. Police rammed batons into Ms. Mulholland's abdomen. She lost her balance and
19 fell down, and her glasses almost fell off.

20 244. She got up again with the help of another protester. She was hit again twice in
21 the right breast and in her abdomen just below her ribs.

22 245. These blows hurt a lot, and she was terrified that she would get badly injured,
23 knowing that an Iraq veteran in the Occupy Oakland movement was hospitalized
24 after getting a lacerated spleen from baton blows.

1 246. Another protester yelled toward her, "Let her through!" Ms. Mulholland left the
2 front of the group.

3 247. As she left the front, she found it extremely difficult to breathe, but another
4 protester accompanied her the whole way. This person sat with her while she
5 rested against a wall. She had to use her asthma inhaler before she could breathe
6 again and was in extreme pain. She asked the person to get painkillers. Other
7 people approached her out of concern.

8 248. The night of November 9, she had a huge bruise on her right upper arm that was
9 dark purple and about four inches across and two inches down.

10 249. Her right side hurt below the ribs. Three days after November 9, a spotted purple
11 bruise appeared there.

12 250. The blow to her abdomen, which was the most painful, showed a light yellow
13 and purple bruise two days later. The pain there felt deeper, as if something
14 internal was bruised.

15 251. For days, she found it difficult to walk, cough, or bend over. Four days later, she
16 still had to move slowly and carefully to avoid the pain.

17 252. On November 21, Ms. Mulholland was diagnosed with a cracked rib.

18 Ashley Pinkerton

19 253. During the afternoon raid, Ashley Pinkerton was linking arms as part of the
20 group of protesters facing north.

21 254. During the police attack, Ms. Pinkerton screamed at the first sight of seeing
22 people being clubbed by police. She saw officers toward her right strangling and
23 choking a man. She reached toward him. An unidentified officer responded by
24 jabbing her three times in the lower abdomen.

1 255. During these events, Ms. Pinkerton was terrified. She thought the police would
2 badly injure or kill people. She saw other people pulled by their hair and an
3 officer force his knee into the back of one person's head who was lying on the
4 ground.

5 256. Later on, Ms. Pinkerton was crying and pleading with officers not to attack.

6 While she was pleading, the police attacked the protesters again, and one officer
7 struck Ms. Pinkerton twice in the stomach and a third time in her lower ribcage,
8 knocking the wind out of her.

9 257. She felt like she was going to faint, and moved back into the crowd.

10 258. Ms. Pinkerton sustained blows to her arms, thighs and stomach and had welts,
11 bruises, and extreme soreness.

12 259. That night, she could not sleep because of extreme discomfort and soreness, and
13 she could not get her mind off of the traumatic events of the day.

14 260. The emotional trauma has persisted even more than the physical trauma; she
15 continues to relive the experience and suffer emotional distress.

16 Jessica Schaffer

17 261. During the afternoon raid, Jessica Schaffer was linking arms as part of the group
18 of protesters near the protest tents, facing the steps of Sproul Hall.

19 262. A line of police faced her group wearing riot helmets and wielding batons.

20 263. First, police shouted at students and pushed into them with the broad sides of
21 their batons.

22 264. Almost immediately, the police began forcefully jabbing protesters with their
23 batons.

24 265. One unidentified officer struck Ms. Schaffer directly in her left jaw with a baton.

1 266. Ms. Schaffer was knocked to the ground by the police officers pushing forward.

2 267. Seeing others being beaten who were lying on the ground, Ms. Schaffer covered
3 the back of her skull to prevent further injury.

4 268. Ms. Schaffer stood up and linked arms again with other protesters, this time
5 facing toward the campus. The officers shouted "Move!" and advanced.

6 269. Because protesters stood behind her, Ms. Schaffer had nowhere to go. Police
7 officers proceeded to beat Ms. Schaffer and other protesters around her. One
8 officer struck the left side of Ms. Schaffer's jaw again. When she stood up, she
9 noticed that her tongue was bleeding.

10 270. Ms. Schaffer noticed that her plastic bicycle safety light, which had been
11 attached to her backpack, was on the ground to the front and to the left of her, in
12 between one of the other protesters and the line of officers. Ms. Schaffer
13 crouched down to pick it up, but defendant Officer Roma purposely kicked it
14 behind the line of officers.

15 271. Ms. Schaffer asked Officer Roma if she could have her light back so she could
16 ride home safely that evening. Roma acknowledged her request but said she
17 would have to get it herself.

18 272. Ms. Schaffer was afraid to retrieve her light because it would have required
19 lunging between the officers and giving them the chance to beat her again. To
20 her left, the officers were beating more protesters.

21 273. For the next day Ms. Schaffer's jaw was sore, and the cut along the left side of
22 her tongue made it difficult to eat.
23
24

Colleen Mica Stumpf

274. During the afternoon raid, Colleen Mica Stumpf was linking arms as part of the group of protesters facing north.

275. When police approached, she held up her hands in peace signs.

276. An unidentified officer pushed into Ms. Stumpf, while a second officer jabbed her repeatedly with a baton.

277. Ms. Stumpf continued to raise peace signs and was pleading, "Please don't hurt us. We are nonviolent. Please don't do this." One of the officers clubbed her forearm to the bone.

278. The police ripped a sign out of her hands, and at one point the police pushed into her so hard that they trampled on her feet and almost knocked her over.

279. All around her, she saw a woman jabbed repeatedly, a woman knocked into a metal pump in the bushes and beaten further, and a man who was sobbing clubbed repeatedly in the stomach.

280. Ms. Stumpf was hurt so badly that she visited Urgent Care that afternoon. She had a large bruise on her right arm covering the entire outer side. She also had a large welt on her forearm, where she was clubbed to the bone. She also had muscle strain around her right shoulder from being yanked by the police, and red marks around her wrist.

281. Ms. Stumpf was emotionally traumatized, in a state of shock and depressed after the incident. She was terrified that people who are supposed to protect her could attack students totally unprovoked and could beat her again at any time.

Justin Tombolesi

1 282. During the afternoon raid, Justin Tombolesi was linking arms with the group of
2 protesters facing north.

3 283. When the line of police approached, an officer slammed Mr. Tombolesi three
4 times in the stomach and four times in the ribs with a baton.

5 284. The police started pushing into Mr. Tombolesi and those around him and hit him
6 a few more times.

7 285. A second police officer shifted over and was now in front of Mr. Tombolesi.
8 This second officer hit Mr. Tombolesi in the ribs and in the chest several times.
9 The police continued to push against protesters.

10 286. Mr. Tombolesi talked to this second officer, asking why he was doing this and
11 saying protesters were not trying to harm them.

12 287. A few minutes later, a third officer came up to Mr. Tombolesi and hit him in the
13 ribs about eight more times, and in the chest at least four times.

14 288. Mr. Tombolesi was being pushed by the police toward Sproul Hall, where police
15 were yanking people out to be arrested.

16 289. Mr. Tombolesi saw another protester caught in a headlock being beaten by
17 police. After this protester was released, Mr. Tombolesi linked arms with him
18 and another protester.

19 290. A few minutes later, another officer came up to Mr. Tombolesi and hit him,
20 perhaps ten times, with jabs into his ribcage and his chest.

21 291. During this, Mr. Tombolesi and his neighbor became separated from the rest of
22 the crowd. Here, they were hit many more times. Mr. Tombolesi fell over, and an
23 officer continued to hit him even as he was fallen over.
24

1 292. After the beatings, Mr. Tombolesi was exhausted and sore. Any contact with his
2 chest, ribs, or stomach would cause paralyzing pain. When walking around, he
3 had to bend over to avoid the pain.

4 293. He had trouble breathing. The night of November 9, he had horrible coughs that
5 lasted all night.

6 294. The brutality he experienced himself and that he witnessed against others has left
7 him emotionally traumatized. He has been in shock and does not feel like he can
8 go to class or focus on school.

9 Erick Uribe

10 295. During the afternoon raid, Erick Uribe was linking arms with protesters facing
11 north, in the front.

12 296. The police unleashed an onslaught of blows against the crowd, jabbing people in
13 their stomachs, torsos, legs, and heads. Mr. Uribe was pushed backward and
14 struck full force in his legs, stomach, and chest.

15 297. At one point, an unidentified officer jabbed a baton into Mr. Uribe's chest with
16 strong and steady pressure, making it difficult to breathe and move.

17 298. Mr. Uribe saw one protester being hit while on the ground, and so he reached out
18 to try to block the protester from the blows. He was struck hard on the hand and
19 arm by several officers.

20 299. He was also present during the evening raid and was part of a crowd surrounding
21 the protest tents.

22 300. The police marched forward in military-style formation, jabbing their batons
23 forward and yelling "Move! Move!"
24

1 301. Mr. Uribe witnessed more brutality. He saw protesters grabbed from the crowd,
2 thrown to the floor, and struck numerous times before being arrested. Students
3 who were trying to leave the protest by leaving along the gap between the
4 officers and protesters, would be hit by police, too. One student carrying a
5 camera was dazed and seemed unable to stand. Mr. Uribe and other protesters
6 held him up and luckily he was not struck again.

7 302. When some people were thrown to the ground, Mr. Uribe tried to help them
8 stand up. One time while doing this, he was struck with a powerful baton thrust
9 in the chest, which pushed him back and knocked off his glasses.

10 303. While he tried to pick up his glasses, he was struck again, this time by a baton
11 blow to the mouth that also caused cutting inside of his mouth. At this point, he
12 left.

13 304. As a result of the police attack in the afternoon, a giant welt formed on his left
14 hand. The bump was purple and about size of a golf ball. It took days for the
15 swelling to subside.

16 305. From the attacks that day, his chest was sore for two days. His ribs were tender
17 and bruised. He was heavily bruised in his legs. His right arm was swollen and
18 sore due to overhead, downward strikes from the officers. His chest and stomach
19 were sore for at least three days.

20 Dan Wilbur

21 306. During the evening raid, Dan Wilbur was linking arms with protesters facing
22 north, in the front.

23 307. Mr. Wilbur was not aware of any dispersal order.
24

1 308. The police attacked him and those around him, pushing them back toward the
2 tree, using a mix of strikes with the broad side of their batons and jabs using the
3 end of their batons.

4 309. Mr. Wilbur was pushed backward and moved with the other protesters. He was
5 hit in the stomach a few times.

6 310. One unidentified officer was using jabs against protesters more than the others.
7 When Mr. Wilbur was already near the tree, and also after the protesters he was
8 with were no longer in front of the protest tents, this officer jabbed him hard and
9 directly in the sternum. This hurt tremendously.

10 311. The police seemed intent on getting the protesters off of the grass completely.

11 312. That night, Mr. Wilbur was very tender in the sternum. Merely touching it
12 caused a jabbing pain. It is still sore today. It hurts to lie down and to twist his
13 torso; it is more than just a bruise on the surface. His stomach hurt for a day or
14 so.

15 Colleen Young

16 313. During the evening raid, Colleen Young was linking arms with protesters who
17 were standing around the protest tents.

18 314. A line of police attacked protesters on the other side from which Ms. Young was
19 standing. When those protesters collapsed, Ms. Young and those around her
20 turned around and linked arms facing the police. The police walked past the
21 protest tents and started attacking Ms. Young and those around her.

22 315. Ms. Young was wearing her backpack in front of her chest to protect herself
23 from blows. However, the officer who hit her hit her backpack and aimed around
24 the backpack, jabbing her in her breast, waist, and hips with great force.

1 316. Ms. Young and those around her were pushed to the ground in a big pile, of
2 which she was at the bottom.

3 317. Ms. Young screamed for help. People trying to help her were pushed away by
4 police so they could not help her. She was on the steps near the concrete and was
5 worried she would get her head crushed.

6 318. She felt pain afterward in her ribs and in her back. She suffered contusions on
7 her right breast, right hip, upper and lower legs, and ankle.

8 Margaret Zhou

9 319. During the evening raid, Margaret Zhou linked arms with protesters who were
10 closer to and surrounding the protest tents.

11 320. Protesters yelled that the police had attacked protesters in the north and were
12 now tearing down protest tents. There were a lot of people screaming and being
13 thrown down to the ground behind her.

14 321. In front of her, the police were trying to get past her and to the protest tents. An
15 unidentified officer jabbed her with a baton, aiming and hitting her in her breast
16 area. She was crying and holding up peace signs while they were hitting her.

17 322. The police reached the protest tents and took them down, and Ms. Zhou and
18 other protesters started to scatter.

19 323. The police closed off the grassy area and formed a line to block it off from the
20 protesters. Ms. Zhou linked arms with other protesters facing the police.

21 324. The police were telling protesters to disperse. At this time, the protesters were
22 not standing on the grassy area.
23
24

1 325. The police then started jabbing and hitting people again. Ms. Zhou was being hit
2 by defendant Officer Garcia. The police were targeting sensitive parts of her
3 body very fast and at unexpected moments, and pointing people out for arrest.

4 326. After this attack, protesters got on their feet and continued to stand facing the
5 police on Sproul. Once supporters from Occupy Oakland and Occupy S.F.
6 arrived and there were thousands of people in Sproul, the police retreated.

7
8 **COUNT ONE**
9 **Violation of First Amendment of the United States Constitution**
10 **(42 U.S.C. §1983)**

11 327. The allegations of the preceding paragraphs are repeated as if fully set forth
12 herein.

13 328. In May 2010, defendant Chancellor Birgeneau and other named defendants
14 permitted an encampment in front of the administration building, California Hall,
15 in opposition to Arizona's anti-immigrant law, SB 1070.

16 329. The defendant Birgeneau and other named defendants allowed that encampment
17 because they agreed with this demand.

18 330. But the encampment planned for November 9, 2011 was in protest over a
19 contemplated 81-percent fee/tuition hike and further steps to privatize higher
20 education, processes that Birgeneau and other named defendants were
21 overseeing.

22 331. Birgeneau and other named defendants gave the order to forcibly break up the
23 encampment on November 9 because they opposed the content of its demands.

24 332. Upon information and belief, the defendant Birgeneau and other named
defendants may also have acted in concert with other university officials and

1 with political leaders who wanted to end the "Occupy Wall Street" movement
2 because of the content of its demands.

3 333. The orders given by Birgeneau and other named defendants to break up the
4 November 9 protest by force discriminated against the plaintiffs on the basis of
5 the content of their speech and thus violated their right to freedom of speech as
6 protected by the First Amendment to the United States Constitution.

7 334. The defendant Birgeneau and the other high-ranking university officials who are
8 joined as defendants are responsible for the shocking, unconscionable, and
9 excessive force that was used on November 9 because they gave the orders to
10 end the protests in an attempt to chill speech that protested the fee hikes and the
11 privatization of higher education.

12
13 **COUNT TWO**
14 **Violation of Fourth Amendment of the United States Constitution**
(42 U.S.C. §1983)

15 335. The allegations of the preceding paragraphs are repeated as if fully set forth
16 herein.

17 336. As specified in detail above, the named defendant police officers and the
18 defendants Does 1-100 used clearly excessive force in carrying out the orders to
19 clear the tents.

20 337. The defendant officers attacked people for purposes that were unrelated to
21 clearing the protest tents and even after the police had destroyed the protest tents.

22 338. The defendants' above-described conduct violated the plaintiffs' right under the
23 Fourth Amendment to the United States Constitution to be free from excessive
24 force.

1 WHEREFORE, plaintiffs pray for relief as hereinafter set forth.

2
3 **COUNT THREE**
4 **Conspiracy to Violate Plaintiffs' First, Fourth, and Fourteenth Amendment Rights**
5 **(42 U.S.C. §1985)**

6 339. The allegations of the preceding paragraphs are repeated as if fully set forth
7 herein.

8 340. In doing the acts complained of herein, the defendant administrators and police
9 chiefs planned, coordinated, and ordered the police attack against the plaintiffs,
10 thus acting in concert and conspiring to violate plaintiffs' federal civil rights to
11 free speech and to be free from excessive and/or arbitrary force under the First,
12 Fourth, and Fourteenth Amendments.

13 341. The defendants had knowledge of the wrongs conspired to be done and
14 committed and had the power to prevent or aid in preventing the commission of
15 the same. None of the defendants attempted to prevent and/or stop the violation
16 of the plaintiffs' civil rights.

17 342. WHEREFORE, plaintiffs pray for relief as hereinafter set forth.

18 **JURY DEMAND**

19 343. Plaintiffs hereby demand a jury trial in this action.

20
21 **PRAYER**

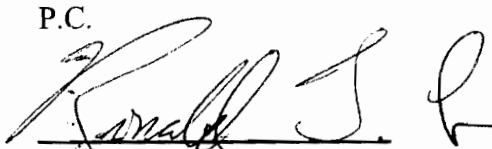
22 WHEREFORE, plaintiffs pray for relief, as follows:

23 1. For general damages;
24

2. For punitive damages and exemplary damages in amounts to be determined according to proof as to defendants;
3. For reasonable attorney's fees pursuant to 42 U.S.C. §1988;
4. For cost of suit herein incurred; and
5. For such other and further relief as the Court deems just and proper.

By Plaintiffs' Attorneys,
SCHEFF, WASHINGTON & DRIVER,
P.C.

BY:


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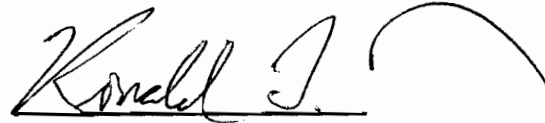
Dated: November 29, 2011

*Application for admission *pro hac vice* pending

CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

BY:


Ronald Cruz (State Bar No. 267038)
November 29, 2011